





महाराष्ट्र शासन
सामान्य प्रशासन विभाग
४ था माळा, मादाम कामा मार्ग,
हुतात्मा राजगुरु चौक ,मंत्रालय,मुंबई-४०० ०३२
दुरध्वनी क्र. ०२२-२२७९४०१३ Email- prashant.waman@nic.in

क्र. : संकिर्ण-२०२४/प्र.क्र. ७९/आरक्षण-५ दिनांकः-१९ एप्रिल, २०२४.

प्रति,
अपर मुख्य सचिव/प्रधान सचिव/ सचिव
(सर्व मंत्रालयीन प्रशासकीय विभाग)

विषय- महाराष्ट्र राज्यातील सामाजिक व शैक्षणिकदृष्ट्या मागासवर्गांकरिता अधिनियम २०२४ च्या अंमलबजावणीबाबत..

संदर्भ-१) महाराष्ट्र राज्यातील सामाजिक व शैक्षणिकदृष्ट्या मागासवर्गांकरिता अधिनियम २०२४,
२) मा. उच्च न्यायालयाने दि. १६.०४.२०२४ रोजी महाराष्ट्र राज्यातील सामाजिक व शैक्षणिकदृष्ट्या मागासवर्गांकरिता अधिनियम २०२४ बाबत दिलेले निर्देश.

महोदय/महोदया,

महाराष्ट्र राज्यातील सामाजिक व शैक्षणिकदृष्ट्या मागासवर्गांकरिता अधिनियम २०२४ राज्यात दि. २६.०२.२०२४ पासून लागू करण्यात आलेला आहे. सदर अधिनियमान्वये सामाजिक व शैक्षणिकदृष्ट्या मागास वर्ग प्रवर्गासाठी राज्याच्या लोकसेवांमधील शासकीय व निमशासकीय सेवेत सरळसेवा भरतीच्या पदांमध्ये व शैक्षणिक संस्थांमधील प्रवेशासाठी १० टक्के आरक्षण विहित करण्यात आले आहे.

२. सदर अधिनियमास मा. उच्च न्यायालय, मुंबई येथे रिट याचिका क्र. ३४६८/ २०२४ व इतर अन्वये आव्हान देण्यात आलेले आहे. प्रस्तुत न्यायालयीन प्रकरणी मा. उच्च न्यायालयाने दि. १६.०४.२०२४ रोजी शासकीय व निमशासकीय सेवेतील सरळसेवा भरती व शैक्षणिक संस्थांमधील प्रवेशाबाबत खालील प्रमाणे निर्देश दिलेले आहेत.

"7. In the meantime, having regard to the interim order passed earlier, we provide that if any applications are made pursuant to the advertisement dated 9th February 2024 for admission to undergraduate medicine courses on the basis of [NEET (UG)], 2024 or pursuant to any other such advertisement for making admission to any other educational courses where applicants seek benefit of the impugned enactment, participation of such candidates/applicants shall be subject to further orders which may be passed in these petitions.

8. We also provide that in case any advertisement has been made after promulgation of the impugned enactment for making any recruitment/appointment in public employment in connection with the affairs of the State, other State instrumentalities and State public undertakings/enterprises, the same shall also be subject to further orders which may be passed in these petitions

9. It is also directed that all such candidates who may participate in any process of selection either for admission to academic/educational courses or for appointment/recruitment in public employment shall be informed of this order by the authority(ies) concerned forthwith."

३. सर्व मंत्रालयीन प्रशासकीय विभागांना या पत्राद्वारे कळविण्यात येते की, मा. उच्च न्यायालयाच्या सदर आदेशाची अंमलबजावणी सर्व संबंधितांनी करावी तसेच अशी कार्यवाही करताना मा. उच्च न्यायालयाच्या दि. १६.०४.२०२४ रोजीच्या आदेशाचा अवमान होणार नाही याचीही दक्षता घेण्यात यावी. (मा. न्यायालयाच्या सदर आदेशाची प्रत सोबत जोडली आहे.)

४. सदर आदेश सर्व मंत्रालयीन विभाग व त्यांच्या अखत्यारीतील सर्व शासकीय / निमशासकीय कार्यालये, महामंडळे, प्राधिकरणे, स्थानिक स्वराज्य संस्था, जिल्हा परिषद, महानगरपालिका,नगरपालिका, शासन अनुदानित संस्था आणि ज्यांना आदेश देण्याचा अधिकार शासनास आहे अशा सर्व संस्था व सेवा यांना लागू असल्याने सदर आदेश आपल्या अधिपत्याखालील सर्व आस्थापनाच्या निदर्शनास आणून देण्यात यावेत.

५. सदर पत्र महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध असून त्याचा संगणक सांकेतांक क्रमांक २०२४०४१९१७१५०९२२०७ असा आहे. हे शासन परीपत्रक डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

आपला,

KHALID BASHIR AHMED ARAB

Digitally signed by KHALID BASHIR AHMED ARAB
DN: c=IN, o=GOVERNMENT OF MAHARASHTRA, ou=GENERAL ADMINISTRATION DEPARTMENT, 2.5.4.20=17b1bdae334a3efab8ffa330885658eb14b09969ecbab94b7f20dfd8f09f568b, postalCode=400032, st=Maharashtra, serialNumber=07B8F5561DC2748763D4033D2E7A20C2FBDCE61F9601805A936FED7CA35E329D, cn=KHALID BASHIR AHMED ARAB
Date: 2024.04.19 17:28:11 +05'30'

(खालिद बी अरब)
सह सचिव, महाराष्ट्र शासन

प्रत –

१. मा. राज्यपाल यांचे सचिव,
२. मा. मुख्यमंत्री यांचे अपर मुख्य सचिव/प्रधान सचिव,
३. सर्व मंत्री/राज्यमंत्री यांचे खाजगी सचिव,
४. मा. विरोधी पक्षनेता, विधानपरिषद
५. मा. विरोधी पक्षनेता, विधानसभा
६. सर्व विधानसभा सदस्य/विधानपरिषद सदस्य
७. मा. मुख्य सचिव, महाराष्ट्र राज्य.
८. अपर मुख्य सचिव/प्रधान सचिव/सचिव, सर्व मंत्रालयीन विभाग,
९. प्रधान सचिव, महाराष्ट्र विधानमंडळ सचिवालय (विधानसभा)
१०. प्रधान सचिव, महाराष्ट्र विधानमंडळ सचिवालय (विधानपरिषद)
११. सर्व विभागीय आयुक्त,
१२. सर्व सहायक आयुक्त (मागासवर्ग कक्ष)
१३. सर्व जिल्हाधिकारी,
१४. सर्व जिल्हा परिषदांचे मुख्य कार्यकारी अधिकारी,

१५. प्रबंधक, महाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई, नागपूर, औरंगाबाद,
१६. सचिव, महाराष्ट्र लोकसेवा आयोग, मुंबई,
१७. सचिव, राज्य निवडणूक आयोग,
१८. सचिव, राज्य माहिती आयोग,
१९. महासंचालक, माहिती व जनसंपर्क महासंचालनालय, मंत्रालय, मुंबई,
२०. राज्यातील सर्व महामंडळे आणि उपक्रम यांचे व्यवस्थापकीय संचालक,
२१. सर्व महानगरपालिकांचे आयुक्त,
२२. सर्व मुख्याधिकारी, नगरपरिषदा/नगरपालिका,
२३. संचालक, समाजकल्याण, पुणे,
२४. आयुक्त, आदिवासी विकास, नाशिक,
२५. संचालक, आदिवासी संशोधन व प्रशिक्षण संस्था, पुणे,
२६. निवड नस्ती.



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 30 OF 2024
WITH
INTERIM APPLICATION (ST) NO. 10509 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 30 OF 2024

Bhausaheb Bhujangrao Pawar .. Petitioner

Versus

The State of Maharashtra .. Respondent

WITH
INTERIM APPLICATION NO. 7387 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 30 OF 2024

Dilip Ashok Desai .. Applicant

In the matter between:

Bhausaheb Bhujangrao Pawar .. Petitioner

Versus

The State of Maharashtra .. Respondent

WITH
WRIT PETITION NO. 3468 OF 2024

Dr. Jaishri Laxmanrao Patil & Ors. .. Petitioners

Versus

Secretary, Social Justice and
Special Assistant Department .. Respondent

WITH
INTERIM APPLICATION NO. 7375 OF 2024
IN
WRIT PETITION NO. 3468 OF 2024

S.E.B.C. Welfare Association
Under the Aegis of Chhatrapati
Shahu Foundation .. Applicant

In the matter between:

Dr. Jaishri Laxmanrao Patil & Ors. .. Petitioners

Versus

Secretary, Social Justice and
Special Assistant Department .. Respondent

WITH
INTERIM APPLICATION NO. 6659 OF 2024
IN
WRIT PETITION NO. 3468 OF 2024

Maratha Muslim Arakshan
Kruti Samit, Maharashtra .. Applicant

In the matter between:

Dr. Jaishri Laxmanrao Patil & Ors. .. Petitioners

Versus

Secretary, Social Justice and
Special Assistant Department .. Respondent

WITH
WRIT PETITION NO. 3591 OF 2024

Prathamesh Uday Dhople & Ors. .. Petitioners

Versus

The State of Maharashtra .. Respondent

WITH
WRIT PETITION NO. 3588 OF 2024

Seema W/o Shrigopal Mandhaniya & Anr. .. Petitioners

Versus

State of Maharashtra & Ors. .. Respondents

WITH
INTERIM APPLICATION NO. 7371 OF 2024
IN
WRIT PETITION NO. 3588 OF 2024

S.E.B.C. Welfare Association Under the Aegis of Chhatrapati Shahu Foundation .. Applicant

<u>In the matter between</u>:

Seema W/o Shrigopal Mandhaniya & Anr. .. Petitioners

Versus

State of Maharashtra & Ors. .. Respondents

WITH
INTERIM APPLICATION NO. 7372 OF 2024
IN
WRIT PETITION NO. 3588 OF 2024

Dilip Ashok Desai .. Applicant

<u>In the matter between</u>:

Seema W/o Shrigopal Mandhaniya & Anr. .. Petitioners

Versus

State of Maharashtra & Ors. .. Respondents

WITH
WRIT PETITION NO. 3586 OF 2024

Anuradha D/o Sunil Pande & Anr. .. Petitioners

Versus

State of Maharashtra & Anr. .. Respondents

WITH
INTERIM APPLICATION NO. 7382 OF 2024
IN
WRIT PETITION NO. 3586 OF 2024

Dilip Ashok Desai .. Applicant

In the matter between:

Anuradha D/o Sunil Pande & Anr. .. Petitioners

Versus

State of Maharashtra & Anr. .. Respondents

WITH
INTERIM APPLICATION NO. 7377 OF 2024
IN
WRIT PETITION NO. 3586 OF 2024

S.E.B.C. Welfare Association
Under the Aegis of Chhatrapati
Shahu Foundation .. Applicant

In the matter between:

Anuradha D/o Sunil Pande & Anr. .. Petitioners

Versus

State of Maharashtra & Anr. .. Respondents

WITH
PUBLIC INTEREST LITIGATION NO. 39 OF 2024

Sanjeet Rammilan Shukla .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

WITH
INTERIM APPLICATION NO. 7370 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 39 OF 2024

Ankush Sakharam Kadam .. Applicant

In the matter between:

Sanjeet Rammilan Shukla .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

WITH
INTERIM APPLICATION NO. 7369 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 39 OF 2024

Raghunath Rangnath Chitre .. Applicant

In the matter between:

Sanjeet Rammilan Shukla .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

WITH
INTERIM APPLICATION NO. 7368 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 39 OF 2024

Sanjiv Babanrao Bhor
President of Shivprahar Organisation .. Applicant

<u>In the matter between</u>:

Sanjeet Rammilan Shukla .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

WITH
INTERIM APPLICATION NO. 7364 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 39 OF 2024

Rajendra Namdeo Kondhare,
The President of Akhil Bhartiya
Maratha Mahasangh .. Applicant

<u>In the matter between</u>:

Sanjeet Rammilan Shukla .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

Mr. Arvind Datar Sr. Adv. (Via VC) a/w Mr. Gopal Sankarnarayanan Sr. Adv. (Via VC) a/w Mr. Pradeep Sancheti Sr. Adv. a/w Ms. Pallavi Bali Mr. Ashish Mishra a/w Mr. Prathamesh Kamath a/w Mr. Yash Oza a/w Nizzica Pinto a/w Mr. Vishnudatt Mishra for Petitioner in PIL/39/2024.

Mr. Gopal Sankaranarayanan, Sr. Adv. (Via VC) a/w Mr. Ashwin Deshpande, Mr. Nihar Chitre and Ms. Trisha Chandran (Via VC) and Mr. Anshu Deshpande and for Petitioner in WP/3586/2024.

Dr. Gunratan Sadavarte Party-in-Person and Dr. Jaishri Patil, Party-in-Person a/w Mr. Rajaashok B. Ghate and Mr. Akshay Sartape for Petitioner in WP/3468/2024.

Dr. Birendra B. Saraf, AG a/w Mr. P. P. Kakade, GP a/w Mr. O. A. Chandurkar, Addl.GP a/w Mrs. G. R. Raghuwanshi, AGP a/w Mr. Jay Sanklecha 'B' Panel for State.

Mr. Arvind Datar, Sr. Adv. (VC) a/w Mr. Pradeep Sancheti, Sr. Adv. a/w Mr. Ashwin Deshpande a/w Mr. Nihar Chitre and Mr. Anshu Deshpande and Mr. Pallavi Balli for Petitioner in WP/3588/2024.

Mr. Anil Anturkar Sr. Adv. a/w Mr. Atharva Date a/w Ms. Kashish Chellani a/w Ms. Kavita Prakash i/b Gaurav Chaubey for Petitioner in WP/3591/2024.

Mr. Janak Dwarkadas Sr. Adv a/w Ms. Namrata Vinod a/w Mr. Himanshu Sachdeva a/w Mr. Piyush Tivari i/b Ms. Ekta Dalvi for Respondent No. 5 in PIL/39/2024.

Mr. Anil Singh Sr. Adv. a/w Mr. Aadarsh Vyas a/w Ms. Ruchita Verma a/w Amjith M. Anandhan i/b Mr. Sachin Pawar for Applicant in IA/7369/2024 in PIL/39/2024 and for Respondent No. 8 in WP/3468/2024.

Mr. Anil Singh Sr. Adv. a/w Mr. A. Y. Sakhre, Sr.Adv. a/w Mr. Chirag J. Shah a/w Ms. Maniny Roy a/w MR. Adarsh Vyas i/b Mr. Shyamsundar B. Jadhav for Intervener in IA/7364/2024 in PIL/39/2024.

Shri. V. A. Thorat Sr. Adv. a/w Mr. Vaibhav Sugdare a/w Mr. Akshay Shinde a/w Ms. Prachi Tatake and Mr. Abhijeet Patil for State in WP/3468/2024.

Mr. Vineet Naik Sr. Adv. a/w with Mr. Utsav Trivedi with Mr. Vishal Acharya with Mr. Piyush Tiwari for Intervenor in IA/7368/2024 In PIL/39/2024 and Respondent No. 11 in WP/3468/2024.

Ms. Kavita Dhanuka a/w Ms. Ekta Dalvi for Proposed Respondent in PIL/30/2024.

Mr. Suryajeet P. Chavan a/w Ms. Vishakha Shelar for Applicant in IA/7387/2024 in PIL/30/2024 and IA/7372/2024 In WP/3588/2024 and IA/7382/2024 In WP/3586/2024.

Mr. Dinyar Madon, Sr. Adv. a/w Mr. Pradeep Thorat a/w Mr. Chirag J. Shah a/w Ms. Maniny Roy i/b. Shyamsundar B. Jadhav for Respondent No. 3 in PIL/30/2024.

Mr. A. Y. Sakhre, Sr. Adv. a/w Mr. Vineet Naik, Sr. Adv. a/w Mr. Utsav Trivedi a/s Mr. Ashish Kumar Yadav i/b. Vishal Acharya for Respondent No. 4 in PIL/30/2024.

Mr. Zal Andhyarujina, Sr. Adv. a/w Mr. Himanshu Sachdeva a/w Mr. Piyush Tivari i/b. Ekta Dalvi for Respondent No. 6 in PIL/30/2024

Mr. Ravi Kadam, Sr. Adv. a/w Mr. Ashish Kamat, Sr. Adv. a/w Mr. Chirag J. Shah a/w Ms. Maniny Roy, a/w Mr. Harsh Moorjari a/w Mr. Adarsh Vyas i/b. Shyamsundar B. Jadhav for Respondent No. 7 in WP/3468/2024.

Mr. Devdutt Kamat, Sr. Adv. a/w Mr. Himanshu Sachdeva a/w Mr. Harsh Pande a/w Mr. Piyush Tivari a/w Ms. Kavita Dhanuka i/by Ekta Dalvi for respondent No. 9 in WP/3468/2024.

Mr. Neeraj Kishan Kaul, Sr. Adv. (Via VC) a/w Mr. Nikhil Sakhardande, Sr. Adv. a/w Mr. Chirag J. Shah a/w Mr. Utsav Trivedi a/w Mr. Ashish Kumar Yadav i/by Mr. Vishal Acharya for respondent No.10 in WP/3468/2024.

Mr. Harish N. Salve, Sr. Adv. (Via VC) a/w Mr. Chirag J. Shah a/w Mr. Utsav Trivedi, Ms. Maniny Roy i/by Mr. Shyamsundar B. Jadhav for respondent No.4 in PIL/39/2024.

Mr. Harish N. Salve, Sr. Adv. (Via VC) a/w Mr. Chirag J. Shah a/w Mr. Utsav Trivedi, Mr. Ashish Kumar Yadav i/by Mr. Vishal Acharya for respondent No.7 in PIL/39/2024.

CORAM: DEVENDRA KUMAR UPADHYAYA, CJ.
G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ

DATE: 16th APRIL, 2024

P.C.:

1. In this batch of PIL petitions and civil writ petitions, challenge, primarily, has been made to the constitutional validity of the Maharashtra State Reservation for Socially and Educationally Backward Classes Act, 2024 (Maharashtra Act XVI of 2024).

2. In a batch of civil writ petitions, a Division Bench of this Court (Coram: G. S. Kulkarni, J. and Firdosh P. Pooniwalla, J.) passed an interim order on 8th March 2024 providing therein that if any applications are received under the advertisement dated 9th February 2024 [NEET (UG)], 2024 or under any other similar advertisement seeking benefit of the impugned Act, the same shall be subject to further orders which may be passed by the Court. The Court also provided that the candidates, who may apply, shall accordingly be informed of the orders passed by the Court.

3. Subsequently, all the PIL petitions and civil writ petitions were tagged together and heard on 12th March 2024 by another Division Bench headed by one of us (Devendra Kumar Upadhyaya, CJ) which noticed the limited interim order granted on 8th March 2024 and ordered the matter to be listed on 10th April 2024. The matter was, however, ordered to be placed before this Bench under an order passed by the Chief Justice on the administrative side.

4. On 10th April 2024, matter was argued for grant of further interim relief on behalf of the petitioners and learned senior advocate Mr. Gopal Sankarnarayan appearing for one of the petitioners had completed his arguments. The matter was

again heard on 15th April 2024 when Mr. Arvind Datar, learned senior advocate completed his arguments on behalf of the petitioners in Writ Petition No. 3588 of 2024.

5. Today, Mr. Sadavarte, the petitioner in-person has also completed his arguments. Mr. Pradeep Sancheti, learned senior advocate has made his submissions on behalf of some of the petitioners. The arguments on behalf of some of the petitioners are yet to be made by some other learned counsel. Thereafter, the arguments are to be made by learned Advocate General on behalf of the State-respondents and by certain other learned counsel representing the interveners in the matter.

6. Stand over to **13th June 2024** at **2.30 p.m.** for further arguments.

7. In the meantime, having regard to the interim order passed earlier, we provide that if any applications are made pursuant to the advertisement dated 9th February 2024 for admission to undergraduate medicine courses on the basis of [NEET (UG)], 2024 or pursuant to any other such advertisement for making admission to any other educational courses where applicants seek benefit of the impugned enactment, participation of such candidates/applicants shall be subject to further orders which may be passed in these petitions.

8. We also provide that in case any advertisement has been made after promulgation of the impugned enactment for making any recruitment/appointment in public employment in connection with the affairs of the State, other State

instrumentalities and State public undertakings/enterprises, the same shall also be subject to further orders which may be passed in these petitions

9. It is also directed that all such candidates who may participate in any process of selection either for admission to academic/educational courses or for appointment/recruitment in public employment shall be informed of this order by the authority(ies) concerned forthwith.

10. We also direct that the State-respondents and the interveners shall file their respective affidavits in reply within three weeks after serving a copy thereof upon the learned counsel for the petitioners; rejoinder thereto, if any, may be filed by the petitioners within two weeks thereafter.

(CHIEF JUSTICE)

(G. S. KULKARNI, J)

(FIRDOSH P. POONIWALLA, J.)